

HWAC CALENDAR

GOVERNMENT DOCUMENTS
COLLECTION

NOTICE FOR THE MARCH 16, 1999 HWAC MEETING

MAR 11 1999

Published by the Waste Program Planning Unit University of Massachusetts
For the HAZARDOUS WASTE ADVISORY COMMITTEE Depository Copy
For more information
Call Roy Willey at 617-292-5963

Location of meeting: 2nd Floor, Washington Street Conference Room (Commonwealth Room), One Winter Street, Boston.

Note: All visitors must come up the escalator to the second floor reception desk.

9:30 Minutes of the January 20, 1999 HWAC Meeting (attached).

9:45 Status Report, Regs Review Sub-Committee, Andrea Adams.

10:00 Status Report, Transporter Sub-Committee.

10:15 Presentation of the Program Plan, Jim Miller.

11:00 HWAC Review of its Legislated Mission (attached).

11:45 Other Business/Next Meeting.

12:15 Adjourn.

Regs Review Subcommittee
Date and time to be announced.
National Guard Armory, Worcester
Contact: James Paterson 617-556-1096

Transporter Subcommittee
Date and time to be announced.
DEP, XXXX floor Conference Room
Contact: Asha Shah 617 292-5576

HAZARDOUS WASTE ADVISORY COMMITTEE

MINUTES OF THE JANUARY 20, 1999 MEETING

Members Present: Andrea Adams, John Davey, Dick Cahaly, Geoffrey Brown (quorum was not present).

Members Absent: Leon Lataille, Lynn Rubinstein, Al Shaines, Ty Perry, Ethan Mascoop, Kirk Franklin, Kate Stewart, Barbara Berney.

Others Present: Brooke Shirley, Bowditch & Dewey, Roy Hart, Solutia, Inc., Charles Tuttle, EOE, Roy Willey, DEP, Mike Coven, Triumvirate Environmental, Al Nardone, DEP, Rob Paslow, MEMR, Carol Rowan West, DEP, Barbara Kwetz, DEP, Jim Miller, DEP, Wayne Griffin, Triumvirate Environmental, John Reinhardt, DEP, Sanh Tran, DEP, Michelle Portman, DEP, James Paterson, DEP, Anne Kelley, EPA, Glenn Keith, DEP,

Minutes: The minutes of the November 12, 1998 meeting were accepted as distributed.

Regs Review Sub-Committee: Andrea noted that the next meeting of the sub-committee is scheduled for January 22, 1999. At the December 15, 1998 meeting the following recommendations were made:

1.261.6(a)(1 – 30.214, Class C RRM

Recommends that the state definition of Class C RRM be retained.

2. 261(a)(2) – 30.213, Class B RRM

Recommends that Class B2 RRM be changed to a permit-by notification if the applicant has successfully received a Federal BIF permit, and the applicant formally notifies the DEP and provides a copy of the BIF permit.

3. Car Batteries (Class B5 RRM)

Recommends the following with regard to Class B5 RRM (30.280):

1. Retain 30.280(1).
2. Delete 30.280(2) through 30.280(4).
3. Replace the deleted sections with the following:
 - a.) Generation, accumulation, storage, collection and transport of spent lead-acid batteries destined for lead recovery is not subject to 310 CMR 30.00 if the batteries are intact, not leaking and /or dry (the electrolyte has been removed).
 - b.) Removal of electrolyte does not constitute treatment of hazardous waste but does generate a hazardous waste, the spent acid.

4. Cathode Ray Tubes

Recommends the DEP consider what kind of permitting structure, if any, would address a Massachusetts company or entity which wanted to grind and ship or grind and smelt glass from CRTs. This should be done in advance of an actual

permit application for such an activity, given that more computers and televisions may be disposed of by consumers and companies in the near future.

5. Discussion of Other Class B RRM

Sub-Committee recommends:

1. The Class B1 RRM and Class B3 RRM regulations be left as they are.
2. Class B4 RRM be narrowed to correspond to 40 CFR 266, Subpart f-type activities only (i.e. the extraction of elemental silver off-site) and to precious metals transporters AND establish that Class A RRM permitting is sufficient for all other types of activities related to on-site precious metals recovery by generators.

Ultimately, the Subcommittee would recommend that the language of the Class B4 RRM regulations would need to be changed.

Cumulative Impact Analysis Presentation: Barbara Kwetz and Carol Rowan West, DEP, gave the presentation on this subject.

There is increasing public concern about the health risks from exposure to multiple chemicals from multiple sources of those chemicals and through different pathways (air, water, soil, and food). These concerns need to be assessed holistically and over time. This is a much more comprehensive approach than that afforded by the traditional, media-based environmental regulatory programs.

Cumulative impact analysis is an emerging approach for which the data, the science, and the analytical tools are not all available. New statutory authorities and regulatory frameworks may be needed to implement the resultant risk management strategies. Program development and implementation will take years and considerable resources, both in terms of new and the redirection of the existing. Initially, this approach involves identifying the goals and parameters of cumulative assessments and management, together with initiating work on staged long-term strategies to get us to this new era of public health and environmental protection.

Proposed Waiver of Treatment Permit requirements: The presentation by Jim Miller, DEP, informed the Committee that this approach is allowed under an interpretation of MGL chapter 21C, section 4 which will enable hazardous waste generators to treat such waste at the site of generation under conditions prescribed by the Department. DEP's Office of General Counsel gave the opinion that the Department may create the regulations for such waivers and, also, those standards or criteria needing to be met.

XL Project for the "College Laboratory Consortium": Presentation made by Jim Miller, DEP, and Anne Kelley, EPA – Region 1.

This is an "Excellence in Leadership" program with EPA to bring about technical improvement in the management of hazardous waste. Several college laboratories approached DEP requesting assistance in bringing these facilities into regulatory compliance. An alternative approach was felt to be needed because RCRA was designed to address manufacturing situations and not college laboratories. Because college labs are more diverse in nature they have difficulty in reacting to RCRA's regulations.

The new approach developed was to move the hazardous waste "generation point" from the individual labs to a point of consolidation for this waste. By doing this the waste materials don't become "hazardous" (per the regulations) until reaching the point of accumulation (generation) and the decision (declaring that the material is waste) doesn't occur until reaching the point of accumulation.

The new Federal Rule to cover this approach will be published in mid-February, to be followed by the execution of an MOU between the participating parties.

Other Business: Next meeting's agenda items to include: presentation of the Program Plan; HWAC to review its legislated mission; status report and update from the Transporter Sub-Committee; and Ty Perry, due to his recent resignation, needs to be replaced.

Next Meeting: The next meeting of HWAC is scheduled for Tuesday, March 16, 1999, at 9:30 AM, in DEP's Boston Office.

Meeting adjourned at 11:55 AM.

Roy Willey
January 21, 1999

SECTION 3. Hazardous Waste Advisory Committee.

There is hereby established within the department a hazardous waste advisory committee to provide consultation to the department concerning matters covered by this chapter. The committee shall review the development of standards, rules, and regulations for hazardous waste management, and shall supply recommendations concerning methods by which existing hazardous waste management practices and the laws regulating them may be supplemented and improved and their administration financed.

The committee shall consist of at least nine members appointed by the governor, one of whom shall be a representative

of the Massachusetts Municipal Association, one of whom shall be a representative of the Massachusetts Health Officers Association, one of whom shall be a representative of the Massachusetts Public Health Association, one of whom shall be a representative of the Massachusetts Association of Conservation Commissions, one of whom shall be a representative of the Associated Industries of Massachusetts, one of whom shall be a representative of the Massachusetts Mayors Association, one of whom shall be a representative from a regional planning agency, one of whom shall be a representative of the City Solicitors and Town Counsel's Association, and at least one of whom shall be a representative of the public knowledgeable in environmental affairs and shall have no financial interest in any of the recommendations or studies of the committee. Such financial interest shall include, but not be limited to, service as a consultant to any person specializing in waste disposal, or as an attorney of a party with a direct financial interest in hazardous waste disposal. Any member shall be eligible for reappointment. In making initial appointments to said committee, the governor shall appoint two members for terms of one year, three members for terms of two years, three members for terms of three years, and one member for a term of four years. Upon the expiration of the term of any such member, his successor shall be appointed for a term of four years. Persons appointed to fill vacancies shall serve for the unexpired term of said vacancy.

ASS. EA 24.3:999/3

HWAC CALENDAR

NOTICE FOR THE MAY 19, 1999 HWAC MEETING

GOVERNMENT DOCUMENTS
COLLECTION

JUN 01 1999

Published by the Waste Program Planning Unit
For the HAZARDOUS WASTE ADVISORY COMMITTEE
For more information
Call Roy Willey at 617-292-5963

University of Massachusetts
Depository Copy

Location of meeting: 2nd Floor, Washington Street Conference Room, One Winter Street, Boston, Massachusetts.

Note: All visitors must come up the escalator to the second floor reception area.

9:30 Minutes of the March 16, 1999 HWAC Meeting (attached).

9:45 Status Report, Regs Review Sub-Committee, Andrea Adams.

10:15 Strategic Priorities and the Performance Partnership Agreement, Madeline Snow.

10:45 Request for a Speaker at RCRA Inspector Training – June 15, Bill Sirull.

11:00 Continuing HWAC Review of its Legislated Mission.

11:45 Review of HWAC Membership.

12:00 Contact Person for DEP Staff.

12:10 Other Business/Next Meeting.

12:15 Adjourn.

Regs Review Subcommittee
May 7, 1999, 1:00 to 4:00 PM
National Guard Armory, Worcester
Contact: James Paterson 617-556-1096

Transporter Subcommittee
June 9, 1999, 10:00 to 12:00
DEP, 9th floor Conference Room
Contact: Asha Shah 617-292-5576

GOVERNMENT DOCUMENTS
COLLECTION

HWAC CALENDAR

NOTICE FOR THE MAY 10, 1979 HWAC MEETING
JUN 2 1999

University of Massachusetts
Depositions Case

Facilitated by the Waste Program Planning Unit
For the HAZARDOUS WASTE ADVISORY COMMITTEE
For more information
Call Ray Wilby at 617-252-7663

Location of meeting: 3rd Floor, Washington Street Conference Room, One Winter
Street, Boston, Massachusetts

Note: All sessions must begin at the scheduled time and then continue until

9:30 minutes of the March 10, 1979 HWAC Meeting (continued)

9:45 Status Report, Ray Wilby, 3rd Floor Conference Room, Boston, MA

10:15 Strategic Priorities and the Partnership Agreement, Stephen B. Jones

10:45 Response for a Speaker at RCHA Inaugural Luncheon - June 15, 1979

11:00 Continuing HWAC Review of the Legislative Mission

11:30 Break

12:00 Contact Person for DEP Staff

12:30 Open House/Networking Session

1:15 Adjourn

HWAC Secretariat
May 7, 1979, 1:00 PM - 4:00 PM
HWAC Secretariat, Washington
Contact: James Parsons 617-252-7663
Contact: Ray Wilby 617-252-7663
HWAC Secretariat
May 7, 1979, 1:00 PM - 4:00 PM



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MURGE PAUL CELLUCCI
Governor

FRANK SWIFT
Lieutenant Governor

BOB DURAND
Secretary

EDWARD P. KUNCE
Acting Commissioner

HAZARDOUS WASTE ADVISORY COMMITTEE

MINUTES OF THE MARCH 16, 1999 MEETING

Members Present: Andrea Adams, John Davey, Bob Cox, Lynn Rubinstein, Barbara Berney, Leon Lataille, Dick Cahaly, and Al Shaines.

Members Absent: Ty Perry, Ethan Mascoop, Kirk Franklin, and Geoffrey Brown.

Others Present: Mike Coven, Triumvirate Environmental; Roy Willey, DEP; Sharon Leitch, EPA-Boston; Pat van der Voorn, Hale and Dorr; Robert Rio, AIM; Roy Hart, Solutia, Inc.; Glenn Keith, DEP; Mark Worthington, ENSR; Al Nardone, DEP; David Biggers, DEP; and Jim Miller, DEP.

Minutes: The minutes of the January 20, 1999 Meeting were accepted as distributed.

Regs Review Sub-Committee: Andrea noted that the next meeting of this sub-committee is scheduled for March 26, 1999. At the February 10, 1999 meeting the following recommendation was made:

Class A Regulated Recyclable Materials – Scrap Metals

Supports the DEP in its efforts on intact circuit boards (CBs) and computer equipment to date.

Recommends that the DEP support a regulatory exemption for intact CBs and other computer equipment destined for recycling which parallels the federal exemption.

Supports a regulatory change to that effect to be included in the Spring 1999 package of new hazardous waste regulations being prepared by the DEP.

310 CMR 30.212 (10)

Supports the DEP position/recommendations with respect to 310 CMR 30.212(10) per status calculation as articulated in the checklist #2 Summary of Recommendations.

Empty Containers – Federal Citation is 261.7

Supports the DEP position/recommendations with respect to the definition of empty containers as articulated in the Checklist #2 Summary of Recommendations.

On behalf of the HWAC, Lynn Rubinstein drafted a letter to the EPA Region I office relative to the DEP position on managing CRTs. The letter was approved and HWAC will now transmit it

to the EPA Region I office.

Transporter Sub-Committee: DEP has prepared a draft Public Hearing Notice containing the regulatory amendments and explanatory narrative. Following this review, the draft will be sent to the Executive Office of Environmental Affairs for approval to publish. DEP anticipates these public hearings to occur in June/July.

Proposed Waiver of Treatment Permit Requirements: Jim Miller, at a previous HWAC meeting, informed the Committee that a memo has been received from the Office of General Counsel that provides interpretation of MGL chapter 21C, section 4. This interpretation will enable hazardous waste generators to treat such waste at the site of generation under conditions prescribed by the Department. DEP's Office of General Counsel gave the opinion that the Department must create the regulations for such waivers and, also, those standards or criteria needing to be met.

A memorandum from OGC to Jim Colman on the implementation of the waiver clause, M.G.L. c. 21C, s. 4 was distributed to the HWAC. The HWAC, through a motion by Adams, seconded by Cahaly, expressed support for DEP's undertaking. Regulatory amendments will be promulgated in the year 2000.

Presentation of the Program Plan: Jim Miller introduced the subject as an informational presentation for the Committee and distributed portions of the Plan for the Business Compliance Division and its various Branches dealing with Management, Enforcement Support, Compliance Assessment, and Waste. More detailed examples of program activities were identified in the Plan's sections on ERP Certification and Enforcement for printers, photo processors, and dry cleaners; inspections at municipal DPW facilities; looking at high schools for hazardous waste disposal and storage; and sampling for lead in school bubblers. Also, Waste Branch activities were identified, including Transporter Permitting, treatability licenses, hazardous waste facility closure plans, hazardous waste declassification, research facility licenses, BUD's and special waste determinations, and hazardous waste truck to rail approvals.

HWAC Review of its Legislated Mission: In preparation for this item, copies of Section 3. Hazardous Waste Advisory Committee, M.G.L. c. 21c, s.3, and the "RULES OF PROCEDURE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION'S HAZARDOUS WASTE ADVISORY COMMITTEE" were distributed.

Committee members expressed the idea that the functions of HWAC need to be viewed in broader terms. The Committee has been too reactive relative to DEP, and now possibly needs to be more proactive in new areas. The Committee, in thinking of its mission in broader terms, discussed how it did not have to wait for DEP to identify issues and subjects for discussion but could proactively explore alternative ways to regulating and creating flexibility in managing the hazardous waste stream. As a context and background for this discussion, the Committee asked if Jim Miller and Steve DeGabriele could talk about the Department's efforts to "push the envelope" in its programs, such as ERP, together with the results of those efforts.

Next Meeting: The next meeting of HWAC is scheduled for Wednesday, May 19, 1999, at 9:30 AM, in DEP's Boston Office.

Meeting adjourned at 12:05 PM.

Roy Willey
April 1, 1999

